

Staff Summary Report



To: Mayor and City Council
Through: City Manager

Agenda Item Number 37
Meeting Date: 06/20/02

SUBJECT: BANDERSNATCH BREW PUB #SIP-2002.33

PREPARED BY: DeeDee (D²) Kimbrell, Planner II (480-350-8331)

REVIEWED BY: Steve Venker, Planning & Zoning Manager (480-350-8331)

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BRIEF: This is the second public hearing for Bandersnatch Brew Pub for a time extension of a use permit for indoor and outdoor live entertainment and delete previous condition #2, located at 125 East Fifth Street.

COMMENTS: **PLANNED DEVELOPMENT (0406)** Hold the second public hearing for **BANDERSNATCH PUB** (Adeline Mocca, property owner) for an extension for a use permit for indoor and outdoor live entertainment at 125 East 5th Street. The following approval is requested from the City of Tempe:

#SIP-2002.33 Time extension of a use permit for indoor and outdoor live entertainment for a 2,255 s.f. restaurant and to delete previous condition #2.

Previous Council Condition (6/3/99- #SIP-97.55)

2. Use permit for the outdoor live entertainment is valid until August 21, 2002, at which time it shall be reviewed by Council for further time extension.

Document Name: 20020620devsrh10

Supporting Documents: Yes

SUMMARY: The owners of Bandersnatch are requesting deletion of condition #2 which is the time period issued with the use permits to allow indoor and outdoor live entertainment as an accessory use to their restaurant operation located at 125 East 5th Street. In October 1993, City Council approved a use permit to allow indoor live entertainment. In August 1997, City Council approved a use permit to allow outdoor live entertainment along with an extension of their indoor live entertainment use permit. Since then they have renewed their use permit every two years and the Police Department has had no problems in the past with either one of their use permits for live entertainment. Based on Bandersnatch's good record, the previously set time periods for the use permit are no longer necessary. Therefore, both Police and Development Services staff believe the owners have established a good track record and supports the applicant's request. To date, no public input has been received. On June 6, 2002, City Council held the first public hearing for this request.

RECOMMENDATION: Staff – Approval, subject to conditions
Public – None to date

- ATTACHMENTS:**
1. List of Attachments
 2. History & Facts
 3. Description / Comments / Reason(s) for Approval
 4. Conditions of Approval
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- A. Location Map
 - B. Site Plan
 - C. Letter of Explanation/Intent

HISTORY & FACTS:

- February 25, 1981. Board of Adjustment approved a parking reduction from 37 to 19 spaces, subject to conditions.
- December 21, 1987. Board of Adjustment approved the following requests for the Bandersnatch Brew Pub, subject to conditions:
- Use permit to expand an existing non-residential use (brewery bar).
 - Variance to reduce the required off-street parking from 36 to 18 spaces.
 - Variance to reduce the required off-street driveway length from 20' to 4' (existing).
 - Variance to eliminate the required landscaped islands at end of parking stall rows.
 - Variance to allow two (2) parking spaces to encroach into the required street side yard setback (10' to 4' existing).
- June 22, 1988. Board of Adjustment approved the following requests for the Bandersnatch Brew Pub, subject to six conditions.
- Variance to increase the maximum allowable sign area from 57 s.f. to 77.49 s.f. of sign area to allow existing metal wall mounted sign and canvas canopy sign to remain.
 - Variance to waive the required wall and landscaping used to screen the south (APS) parking area.
 - Use permit to allow outdoor dining.
- July 18, 1989. Board of Adjustment approved a use permit for the Bandersnatch Brew Pub to expand a commercial use (for a walk-in cooler box) in the CCD District, subject to four conditions.
- October 28, 1993. City Council approved a use permit for the Bandersnatch Brew Pub to allow indoor live entertainment in a 6' x 8' area as an accessory use to a restaurant in the CCD District, subject to six conditions.
- July 19, 1995. Board of Adjustment approved a use permit for the Bandersnatch Brew Pub to expand the outdoor dining/drinking area to include the space previously used as a volleyball court at the east side of the building.
- August 21, 1997. City Council approved a use permit for the Bandersnatch Brew Pub to allow outdoor live entertainment in a 12' x 8' area along with an extension of their indoor live entertainment permit, subject to 10 conditions.
- June 3, 1999. City Council approved the request by Bandersnatch Brew Pub for an extension of their outdoor live entertainment use permit to correspond with their existing indoor use permit which expires in August 2002.
- June 6, 2002. On June 6, 2002, City Council held the first public hearing for this request.

DESCRIPTION: Owner – Adeline Mocca
Applicant – Bandersnatch Brew Pub, Adeline Mocca
Existing zoning – CCD
Total site area – .35 net acres
Total bldg. area – 2,255 s.f.
Lot coverage – 16%
Parking required – 36 spaces
Total Parking provided – 18 spaces (variance)

COMMENTS: Bandersnatch has been in operation since 1975 in downtown Tempe, first as a restaurant, then as a brew pub since 1988. In October 1993, City Council approved a use permit to allow indoor live entertainment. In August 1997, City Council approved a use permit to allow outdoor live entertainment along with an extension of their indoor live entertainment use permit. Since then they have renewed their use permit every two years and the Police Department has had no problems in the past with either one of their use permits for live entertainment.

The owners of Bandersnatch are now requesting deletion of condition #2, which is the time period issued with the use permits to allow indoor and outdoor live entertainment as an accessory use to their restaurant operation. Since the initial use permit for live entertainment, the owners have had no problems as a result of the use permits. Based on Bandersnatch's good record, the previously set time periods for the use permits are no longer necessary. Therefore, both Police and Development Services staff believe the owners have established a good track record and supports the applicant's request. To date, no public input has been received. On June 6, 2002, City Council held the first public hearing for this request.

**REASON(S) FOR
APPROVAL:**

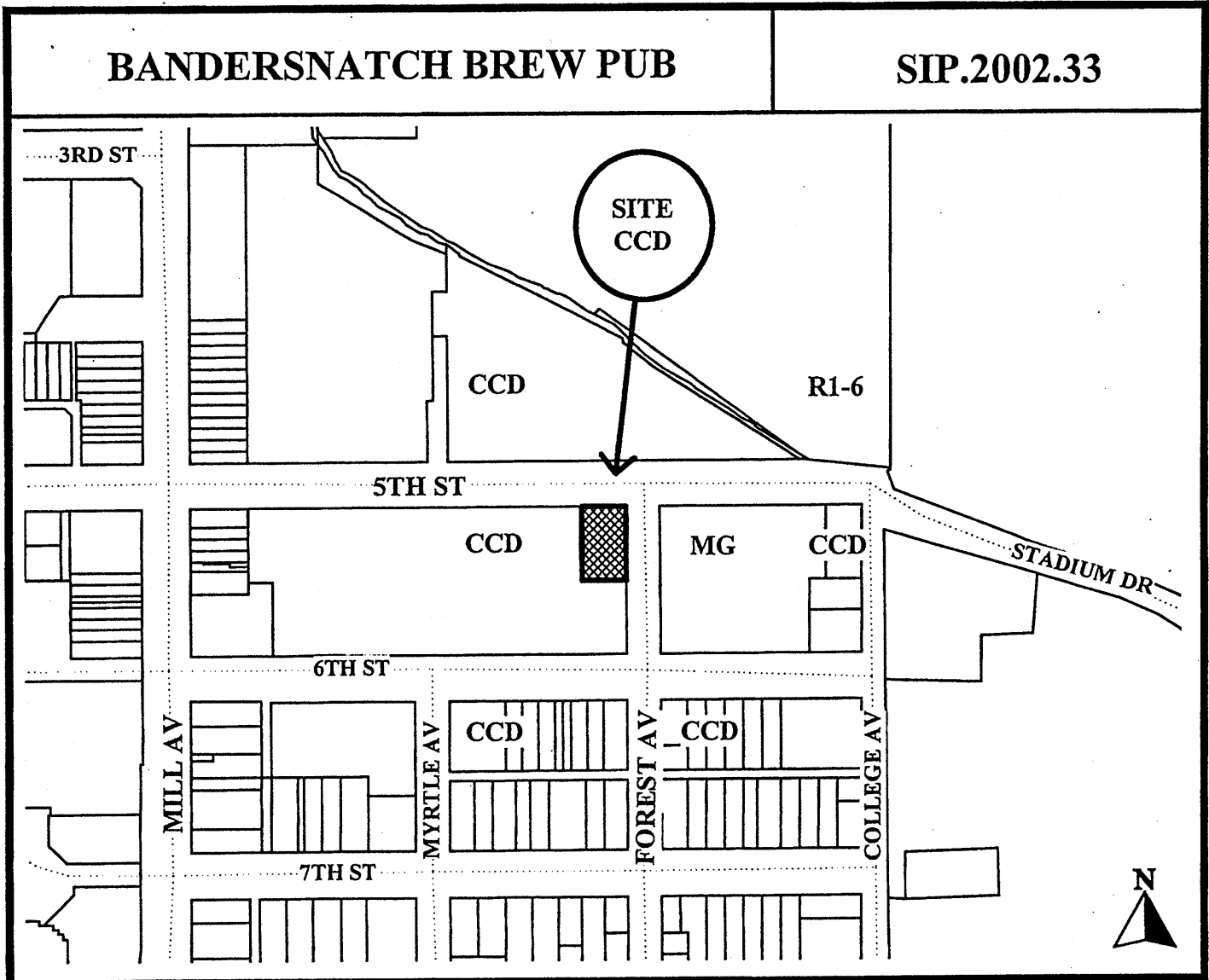
1. To date, the indoor and outdoor live entertainment has not created any problems as it relates to the public's general welfare or surrounding properties.

**CONDITION(S)
OF APPROVAL:**

1. The use permit is non-transferable and is issued to the current business owners of Bandersnatch Brew Pub only.
2. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
3. Any significant verifiable police complaints (as determined by the City Attorney and Police Dept.) shall require the applicant to return to the City Council for re-evaluation of the use permit.
4. The live indoor/outdoor entertainment activity shall be limited to time between the hours of 8p.m. and midnight.
5. Music generated from the indoor live entertainment shall stay within the confines of the building.
6. Speakers from the outdoor live entertainment shall be oriented toward the Bandersnatch building and away from Towers residence hall.
7. The noise emanating from the entertainment shall not exceed the Tempe Noise Code.
8. Security shall be provided per the plan executed with the Tempe Police Department. The use permit is conditioned at all times upon the existence of the executed and approved security plan.

BANDERSNATCH BREW PUB

SIP.2002.33



Location Map

A

BANDERBATCH BREWERY
125 E. 5TH ST.
TEMPE, 9664438.

LICENSE # 06070073

B

APR 09 2002

INDOOR
ENTERTAINMENT
AREA
6'x8'

RESTAURANT
EXISTING LICENSED

WALKIN
COOLER

159.5'

6' BLOCK WALL

PARKING LOT

93.65'
BLOCK WALL

ENTRANCE

125 E. 5TH ST./TEMPE

BRICK WALL

6FT. GATES W/ADDITIONAL
* SECURITY FORCE HERE

OUTDOOR DINING
EXISTING LICENSED

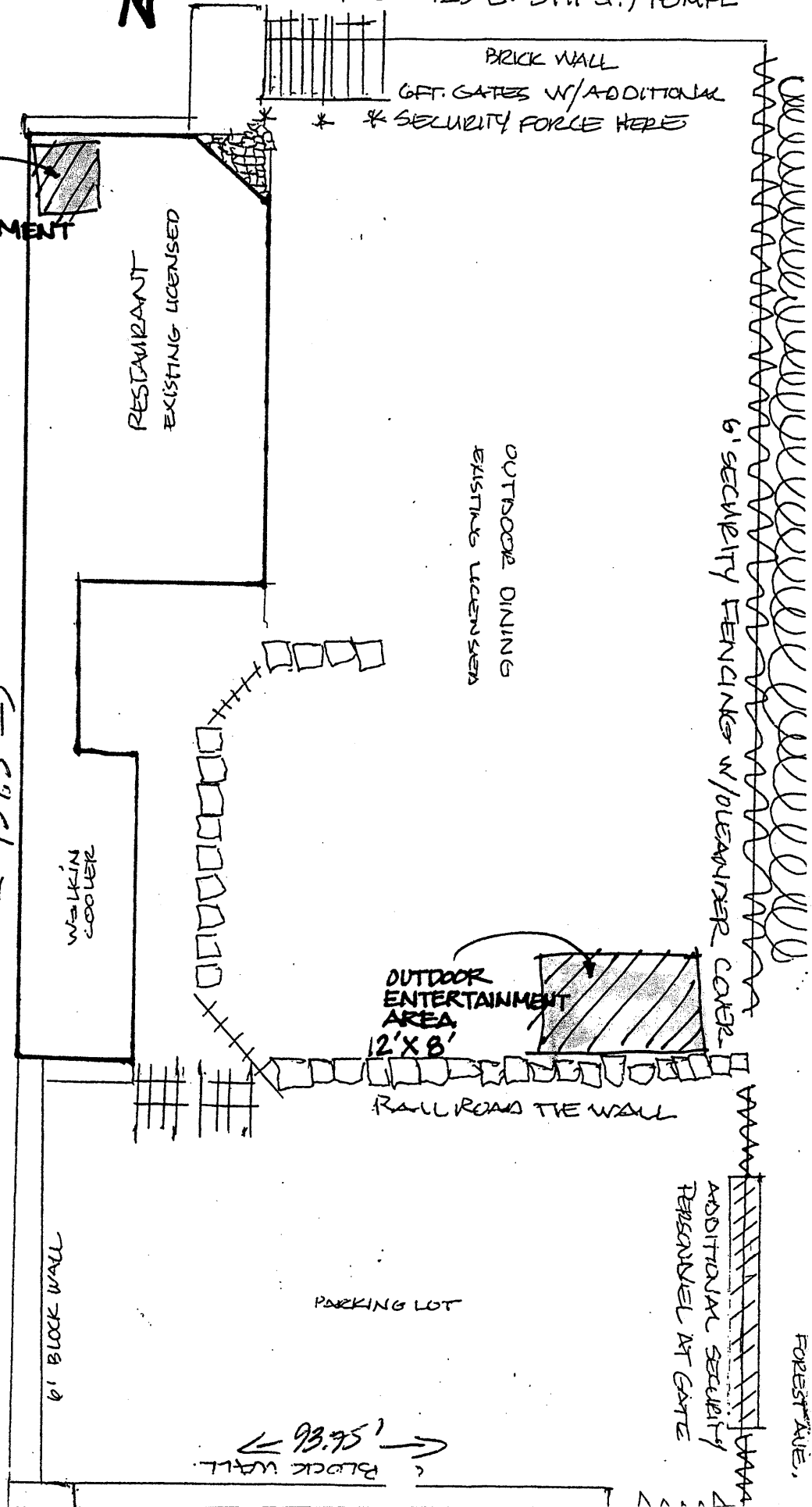
OUTDOOR
ENTERTAINMENT
AREA
12'x8'

RAILROAD TIE WALL

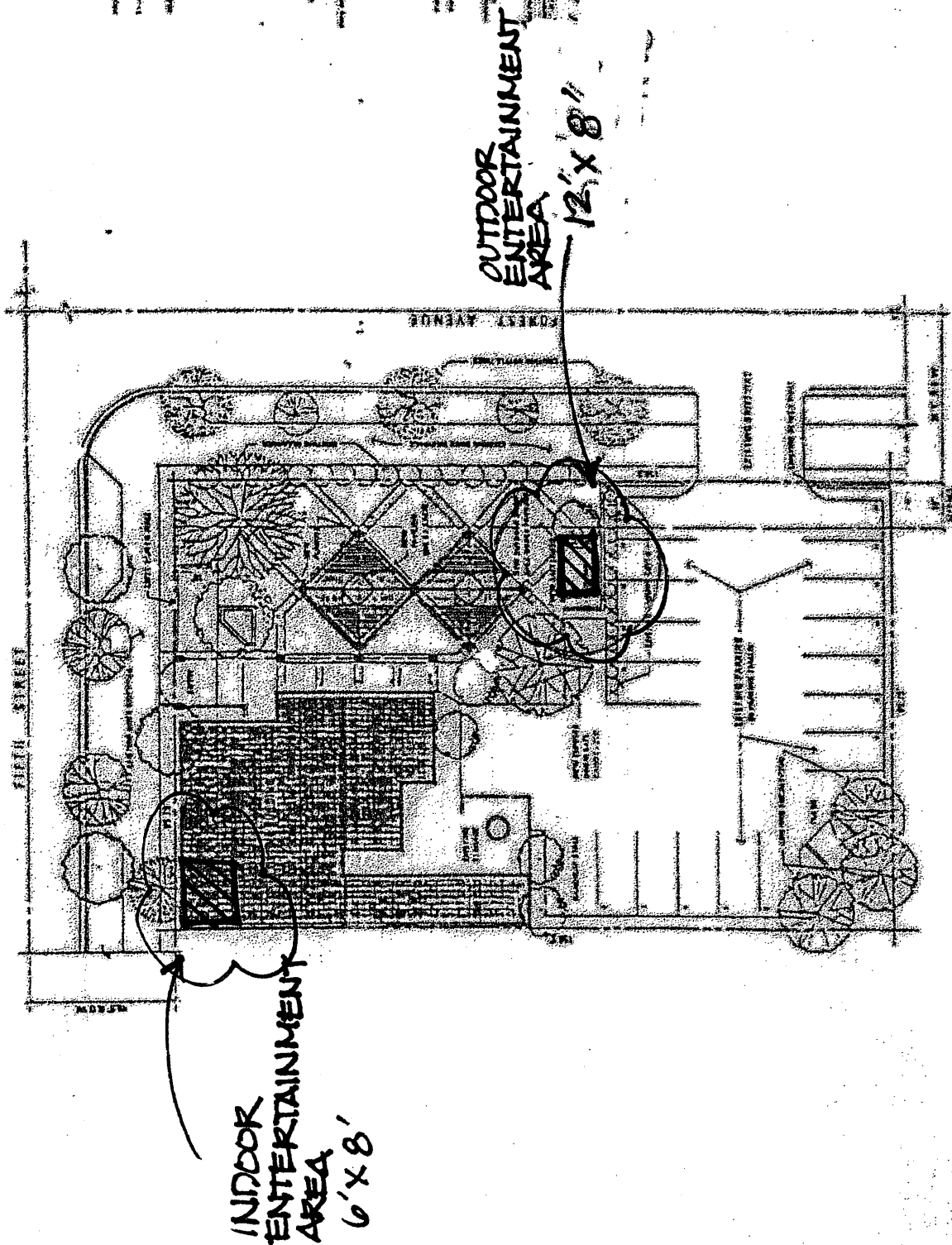
ADDITIONAL SECURITY
PERSONNEL AT GATE

FOREST AVE.

FIFTH STREET



DIRECTOR
PROJECT
DESIGN
DATE
VICINITY



Mar 21 2002 COT / DEVELOPMENT SERVICES DEPT.

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4/9/02

Dear Mayor and Council:

I am one of the owners of Bandersnatch Brew Pub. We have been operating since 1975 in downtown Tempe, first as a restaurant, then as a brew pub since 1988. In 1999 we received an extension permit for our entertainment. This extension will expire in August 2002. I am requesting an extension for our entertainment permit for both indoor and outdoor use.

We have Irish folk music every Wednesday night. Fridays and Saturdays our music is basically jazz, easy listening music without dancing. The music is always over at midnight. I believe our "track record" with this use has been acceptable.

For our outdoor use, the attached site plan shows that we would locate the musicians in the southeast corner of the patio and any speakers would be pointed toward our building and away from the Towers residence hall. I understand that if the use permit is granted I would be subject to reappear before you if there are any complaints. Also, I want to point out that this request is not for special events. We will continue to process our special events through its special events committee. We also continue to have our security plan intact and our fencing per regulations.

In closing, Bandersnatch has been part of the revitalization of downtown Tempe for many years. We believe that we can continue to add tradition and ambiance by granting our request.

I AM REQUESTING A 5 yr. EXTENSION.

Sincerely,



Adeline Mocca
Owner

SIP-2002-33

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